



MINUTES
Victor Valley Community College District
Board of Trustees Special Meeting
Tuesday, October 6, 2016

1. PUBLIC COMMENT ANNOUNCEMENT

2. OPEN SESSION SPECIAL MEETING

2.01 CALL TO ORDER

The Board of Trustees of the Victor Valley Community College District met in open session on October 6, 2016 in the Board Room. Board President Pinkerton called the meeting to order at 5:00 p.m.

2.02 ROLL CALL

John Pinkerton, President; Brandon Wood, Vice President; Marianne Tortorici, Clerk; Dennis Henderson, Trustee; Joseph W. Brady, Trustee; Roger Wagner, Superintendent/President; Marco Aguayo, Student Trustee.

2.03 PLEDGE OF ALLEGIANCE TO THE FLAG

Claude Oliver led the Pledge of Allegiance to the Flag.

Board President Pinkerton introduced Karen Etheridge Dearborn, escorted by her husband Fred Dearborn to the podium, she sang "Our Father Who Art in Heaven".

2.04 ANNOUNCEMENT OF ITEMS DELETED OR CORRECTED FROM THE AGENDA: None

3. ACTION AGENDA

3.01 PUBLIC COMMENTS RELATED TO ACTION AGENDA ITEMS

Fred Dearborn, 4.1; Margaret Kagy, 4.1; Christopher Dustin, 4.1.

4. BOARD OF TRUSTEES - ACTION AGENDA

4.01 Citizen Complaint

Roger read the agenda item aloud and stated that the board will hear from the Ad hoc committee assigned to investigate the complaint and that the Board of Trustees act to give further guidance if and as recommended by the board on the process and timeline of the investigation. Ad Hoc Committee members are Trustee Brandon Wood and Trustee Marianne Tortorici. Roger asked if they had anything to report out. Trustee Wood offered nothing about the results of the investigation however stated that is was pre mature and he is not going to get into the facts but will advise the board immediately upon a

resolution. The committee met for the first time with Dr. Wagner privately in the PCR, duration approximately 3 ½ hours to review pertinent information pertaining to the investigation. Reviewed Board Policies 2210, 2715, ACCJC accreditation standard 4 sections 1-13, ACCJC accreditation standard 4 B1 a, e, & h; consulted with legal counsel Jeffrey Morris. Second meeting occurred earlier this week, reviewed additional documentation that was received, met with the citizen complainant for approximately 2 ½ or 3 hours during the meeting; meeting duration close to 5 hours. Loose communication back and forth between Trustee Wood, Dr. Wagner, and Trustee Tortorici on the issue prior to the meeting. Duration of investigation is unknown and dependent on people's schedules, availability, potential witnesses and their willingness to discuss the allegations as we are not in a position to subpoena them. Trustee Henderson appreciates the update but does not want to hear any more about it until it's all finished with a final report. Dr. Wagner pointed out that the two Ad Hoc Committee members cannot report back to any single board member because of the Brown Act Law so the only way they can give an update and share this information is in a public setting like this. The Committee has put in around 10 hours of work so far. Dennis thanked the Committee for doing a good job. Trustee Wood advised that no action will be taken tonight as they are about ¼ of the way done with the investigation. Trustee Tortorici advised that Trustee Wood summarized it very well. The only thing she would add is Trustee Wood, herself and Dr. Wagner certainly have spent a lot of time to make sure that we follow proper protocol and whatever we do is as objective as they possibly can be. She stated that we have no subpoena power and they are learning what the processes are because this is a complaint that they are investigating and it is important that they do it correctly and she also thinks they have invested at least 10 hours, ¼ of the way done which indicates to the board members the seriousness of the complaint and the thoroughness that needs to be done in order to come back with any kind of conclusion. Trustee Wood requested permission from President Pinkerton to make a request to the board that action could be taken on during this meeting. He requested that the board authorize Dr. Wagner to retain the services of a reputable, licensed private investigator to assist in the course of this investigation as the Ad Hoc Committee sits on the same board, and from the perspective of a citizen of the community he would have his doubts as to how much the committee could be trusted in providing an objective conclusion to the investigation. Having an outsider engaged in the process can report back to the board honestly, and objectively. Trustee Wood suggested an individual that he does not use in his firm to Roger. In addition, he believes in due process and there won't be a clash between the brown act and board policy. The investigator can meet with Trustee Brady whereas the Ad Hoc Committee members can't and retain his side of the story to allow Trustee Brady the best due process that he is entitled. Jeff Morris stated that the investigator would lend credibility, an unbiased ear to the situation and allow the Ad Hoc Committee to obtain Trustee Brady's side without violating the brown act. Trustee Tortorici stated that she had a conversation with Trustee Wood, she is very empathetic but feels that they do not need an investigator at this time. However they both agree that the investigation doesn't carry any question of the objectivity and explained how a potential brown act violation can occur. The investigator would be acting as an observer and provide a report. The interview with Trustee Brady would be the only task for the investigator. Trustee Pinkerton assured the public that the investigation would be done correctly and that they

are not sweeping this issue under the rug. He also thanked the committee for doing a great job.

Motion by Trustee Henderson, seconded by Trustee Wood to hire a private investigator to investigate the citizen complaint regarding Trustee Brady. 3 AYES (Henderson/Pinkerton/Wood), 0 NOES, 2 ABSTAIN (Tortorici/Brady), 0 ABSENT - Motion passes. Student Trustee Aguayo provide his AYE vote.

Further discussion:

Trustee Tortorici requested that we limit the cost of the investigation. Dr. Wagner responded by stating that the contract would have a not to exceed amount. Trustee Wood suggested to cap it at \$3k. Trustee Tortorici was concerned that this conversation is not agendized. Trustee Wood stated that the board can provide an opinion because Dr. Wagner has a \$64k signing authority. Trustee Tortorici said that the committee can tell Dr. Wagner to hire the investigator and put it on next month's agenda. Trustee Wood made the suggestion to Dr. Wagner on Saturday.

5. ADJOURNMENT

It was MSC (Pinkerton/Henderson, 5-0) to adjourn the meeting at 6:09 p.m.

Marianne Tortorici, Clerk

Date Approved

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